

## PATENT APPLICATIONS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BARCLAY

Serial No.: 07/911,760

Filed: July 10, 1992

Atty. File No.: 2391-1-2

For: "PROCESS FOR THE HETERO-  
TROPIC PRODUCTION OF  
MICROBIAL PRODUCTS WITH  
HIGH CONCENTRATIONS OF  
OMEGA-3 HIGHLY UNSATURATED  
FATTY ACIDS"

Group Art Unit: 1302

Examiner: WEIER

SUBMISSION OF  
TERMINAL DISCLAIMER

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response the Examiner's request in a telephone interview with Applicant's attorney on February 2, 1994, attached hereto is a Terminal Disclaimer of the above-referenced U.S. Patent Application in view of U.S. Patent 5,130,242.

Based on the attached Terminal Disclaimer, Applicant respectfully submits that the application is now in proper form for allowance and earnestly solicits such allowance.

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.	
<u>Constance R. Keil</u>	
Print or Type Name	
Signature: <u>Constance R. Keil</u>	Date: <u>3 Feb. 94</u>

RECEIVED

Because this Terminal Disclaimer is being submitted to the Patent Office via facsimile, no check is attached as is indicated in the last paragraph of the Terminal Disclaimer. Instead, please charge the \$55.00 statutory fee, and any other fees due in connection herewith, to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS & MCINTOSH

By: 

Gary J. Connell  
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1700 Lincoln Street, Suite 3500  
Denver, Colorado 80203  
(303) 863-9700

Date: 2/3/94

## PATENT

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OMEGA-3 HIGHLY UNSATURATED	)	
FATTY ACIDS"	)	

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I, William R. Barclay, residing at 6395 Bruntwood Court, Boulder, Colorado 80303, represent that I am the President of OmegaTech Inc. and am authorized to sign this document on behalf of OmegaTech Inc., that OmegaTech Inc. is a corporation fully organized under the laws of the State of Colorado and has a place of business at 5766 Central Avenue, Boulder, Colorado 80301, and that OmegaTech Inc. is the owner by assignment of the entire right, title and interest in and to U.S. Patent Application Serial No. 07/911,760 for "PROCESS FOR THE HETEROTROPHIC PRODUCTION OF MICROBIAL PRODUCTS WITH HIGH CONCENTRATIONS OF OMEGA-3 HIGHLY UNSATURATED FATTY ACIDS" filed July 10, 1992, said assignment being

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<u>Constance R. Keil</u>	
Print or Type Name	
Signature: <u>Constance R. Keil</u>	Date: <u>3 Feb. 94</u>

OFFICIAL

recorded in the U.S. Patent Office at Reel 5438, Frames 0581 - 0583.

I hereby disclaim on behalf of OmegaTech Inc. the terminal part of any patent granted on U.S. Patent Application Serial No. 07/911,760 which would extend beyond the expiration date of U.S. Patent No. 5,130,242 and hereby agree on behalf of OmegaTech Inc. that any patent granted on U.S. Patent Application Serial No. 07/911,760 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,130,242, this agreement to run with any patent granted on U.S. Patent Application Serial No. 07/911,760 and to be binding upon the grantee of such patent and its successors or assigns.

I do not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 07/911,760 prior to the expiration date of the full statutory term of U.S. Patent No. 5,130,242 in the event that such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee's knowledge, title is in the assignee.

A check for the statutory disclaimer fee of \$55.00 as specified under 37 CFR §1.20(d) is enclosed herewith.

  
\_\_\_\_\_  
William R. Barclay  
President

Date: Feb. 3, 1994